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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/634,865      | 08/06/2003  | Ming-Chuan Cheng     | 33144-191680        | 7637             |

26694 7590 10/18/2005

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| EXAMINER |
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FOX, CHARLES A

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| ART UNIT | PAPER NUMBER |
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3652

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/634,865 | <b>Applicant(s)</b><br>CHENG, MING-CHUAN |  |
|                              | <b>Examiner</b><br>Charles A. Fox    | <b>Art Unit</b><br>3652                  |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Molstad. Regarding claim 1 the admitted prior art (as shown in figures 7 and 8 and described in the background of invention section of the specification), teaches a lift device comprising:

- an upper stanchion;

- a wing attached to the upper stanchion,

- a motor having a first piston and mounted on the upper stanchion,

- a lower stanchion mounted inside the upper stanchion, connected to the first piston and having:

  - a distal end;

  - a transverse portion securely mounted on the distal end of the lower stanchion;

  - two pivot arms attached to the transverse portion of the lower stanchion; and

  - a large roller mounted on the distal end of the lower stanchion;

  - a platform mounted on the distal end of the lower stanchion;

  - two platform brackets pivotally mounted on the platform and each

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platform bracket having an outer sidewall, the pivot arms of the lower

stanchion attached to the outer sidewall of the platform bracket;

a roller bracket mounted on the platform and having

an upper transverse arm with a rear end; and

a small roller rotatably attached to the rear end of the upper

transverse arm',

a mounting bracket adapted to mounted on a vehicle and having

a transverse arm adapted to mounted on a vehicle; and

a longitudinal arm pivotally mounted on the wing;

an actuating arm pivoted with the wing and having

a proximal end pivoting with the wing;

a rear side abutted with the front end of the second piston;

a spring for retaining the actuating arm in the proper position. The admitted prior art does not teach a compression spring assembly for maintaining the actuating arm in position. Molstad US 6,439,083 teaches a universal spring device comprising:

a cylinder (6) with an inner cavity;

a compressible spring (12) inserted into said cavity;

a piston (8) extending through said cylinder and having a rear end (10) inserted through said spring and fixed by a nut(13);

a front enlarged end(11). It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the admitted prior art with the spring assembly taught by Molstad in order to provide accurate force on the

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actuation arm while being easy to install, thus lowering costs associated with manufacturing the device.

In regards to claim 2 the admitted prior art teaches return spring (50) for returning the arm (49) to a home position once the platform is lowered. While the admitted prior art does not teach the exact return spring as in the instant application it would have been obvious to one of ordinary skill in the art, at the time of invention to provide a return spring in order to keep the arm in contact with the main spring assembly at all times.

The prior art made of record and not relied upon, but considered pertinent to applicant's disclosure is: Cubberley 1953, Bruno et al. 1996, Ji et al. 2001, Hancock et al. 2002, Bruno et al. 2003 and Panzarella et al. 2004.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Fox whose telephone number is 571-272-6923. The examiner can normally be reached between 7:00-4:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached at 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*CAH* 10-12-05

Charles A. Fox  
Examiner  
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